

UNITED STATES DISTRICT COURT
FOR THE EASTERN DISTRICT OF PENNSYLVANIA

MONTGOMERY TOWNSHIP, MONTGOMERY
TOWNSHIP POLICE DEPARTMENT, EAST
NORRITON TOWNSHIP, and EAST
NORRITON TOWNSHIP POLICE
DEPARTMENT,

Plaintiffs,

v.

FORD MOTOR COMPANY,

Defendant.

Civil Action No. ED02-CV-4710

JURY TRIAL DEMANDED

**FORD MOTOR COMPANY'S SUPPLEMENTAL MEMORANDUM IN SUPPORT OF
ITS MOTION TO STAY PROCEEDINGS**

On August 12, 2002, Ford Motor Company ("Ford") moved this Court to stay all proceedings until the Judicial Panel on Multidistrict Litigation ("MDL Panel") resolves a pending motion for transfer and consolidation pertaining to this case. The Court granted Ford's motion with respect to discovery on August 22, 2002. Ford wishes to apprise this Court of related developments that have occurred subsequent to the filing of its Motion to Stay.

On September 24, 2002, in the related case of *Nueces County v. Ford Motor Co. et al.*, Civil Action No. C-02-297 which is pending in the U.S. District Court for the Southern District of Texas, Judge Hayden W. Head, Jr. entered a stay in the proceedings pending the MDL Panel's ruling on Ford's motion for transfer and consolidation. (Attached at Tab A.) Judge Head considered arguments similar to those Ford made to this Court and agreed that a stay would be appropriate pending a ruling by the MDL Panel.

That ruling is not expected to be long in coming. On September 26, 2002, the MDL Panel heard oral argument on the pending motion for transfer and consolidation. A ruling is likely to be issued in the near future.

Thus, for the reasons previously stated in Ford's Memorandum in Support of its Motion to Stay, Ford respectfully requests that this Court grant Ford's motion.

Date: September 27, 2002

Respectfully submitted:

C. Scott Toomey

CAMPBELL, CAMPBELL EDWARDS &
CONROY, LLP
Three Glenhardie Corporate Center
1265 Drummers Lane, Suite 200
Wayne, PA 19087
(610) 964-1900

John H. Beisner
Brian C. Anderson
Teresa E. Dawson
Kelly J. Riordan
Garrett W. Wotkins
O'MELVENY & MYERS LLP
555 13th Street, NW, Suite 500 West
Washington, D.C. 20004
(202) 383-5300

ATTORNEYS FOR DEFENDANTS
FORD MOTOR COMPANY

CERTIFICATE OF SERVICE

I, the undersigned, hereby certify that a true and correct copy of *Ford Motor Company's Supplemental Memorandum in Support of Its Motion to Stay Proceedings* was served on September 27, 2002, via United States first class mail, postage prepaid and addressed as follows:

Edward Rubin, Esquire
Hamburg, Rubin, Mullin, Maxwell & Lupin
375 Morris Road
P.O. Box 1479
Lansdale, PA 19446-0773

C. Scott Toomey, Esquire